

AFFIDAVIT

I, Dylan Wall, being duly sworn, depose and say:

INTRODUCTION

1. Your affiant has been a Special Agent with Homeland Security Investigations (HSI) since March of 2020 and is currently assigned to the HSI Douglas, Arizona Office.
2. Prior to his tenure as a Special Agent with HSI, your affiant attended and graduated from the Arizona Law Enforcement Academy where he received 600+ classroom hours in all aspects of law enforcement principles. This includes, but is not limited to, constitutional law, case law, drug investigations, sex crimes investigations, property crimes investigations, and violent crimes investigations. Upon completion of the Arizona Law Enforcement Academy, your affiant was sworn as a Peace Officer for the state of Arizona and was employed as a Police Officer in the City of Scottsdale, Arizona from 2014-2020. As a police officer, your affiant conducted a variety of investigations which included but were not limited to domestic violence, aggravated assault, robbery/burglary, fraud, and narcotics.
3. In March of 2021, your affiant successfully completed the Criminal Investigator Training Program as well as the Homeland Security Investigations Special Agent Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia (FLETC). In these training programs, your Affiant was trained in human smuggling investigations, the laws of search and seizure, physical and electronic surveillance, and other investigative techniques utilized to support the investigation and enforcement of violations of federal statutes. As an HSI Special Agent, your affiant is currently assigned to the Douglas, Arizona Human Smuggling Strike Team (HSST).
4. Your affiant is presently the case agent on the seizure of a red 2022 Kia Forte, VIN 3KPF24AD1NE476494, which was used by the driver, Derrick Vashon Kuykendall

(“KUYKENDALL”), and front seat passenger Emma Salcido (“SALCIDO”) to facilitate the smuggling and transportation of three undocumented non-citizens (UNCs). Andrew Earl Brown (“BROWN”) was transporting an additional three UNCs in a separate vehicle and was driving in tandem with KUYKENDALL and SALCIDO.

5. The facts supporting this affidavit were obtained through examination of reports and sworn statements pertaining to the seizure of a red 2022 Kia Forte, VIN 3KPF24AD1NE476494.

6. There is probable cause to believe that the 2022 Kia Forte, VIN 3KPF24AD1NE476494, bearing an Arizona temporary paper registration number 838241B, was used in the commission of a crime in violation of Title 8, United States Code, Section 1324(a)(1)(A), and is therefore forfeitable pursuant to Title 8, United States Code, Section 1324(b)(1).

FACTS

7. On May 11, 2022 KUYKENDALL, SALCIDO, and BROWN participated in a human smuggling attempt in the Douglas, Arizona area. KUYKENDALL was driving a red 2022 Kia Forte with SALCIDO in the front passenger seat while BROWN was driving a blue 2018 Kia Forte.

8. On May 11, 2022, at approximately 11:25 A.M., Homeland Security Investigations Task Force Officer (HSI/TFO) Daniel Daneker, was driving an unmarked service vehicle east on Arizona Highway 80 at approximately mile marker 354 west of the City of Douglas, Arizona. TFO Daneker received information via his Border Patrol service radio that two vehicles, a red Kia sedan, and a blue Kia sedan, just loaded multiple people suspected of being undocumented non-citizens (UNCs) east of his location on highway 80. TFO Daneker was advised that the vehicles were traveling north on Brooks Road.

9. At approximately 11:35 A.M. TFO Daneker was able to obtain visual of the two vehicles traveling north on Brooks Road. The vehicles turned west onto Double Adobe Road and drove in tandem with each other going the speed limit. TFO Daneker followed the two vehicles for approximately a quarter of a mile and did not attempt to make a vehicle stop, as he was waiting for marked service vehicles to get behind the vehicles.

10. At approximately 11:44 A.M. BPA Padilla arrived in a marked service vehicle and attempted to conduct a traffic stop on the blue Kia Forte driven by BROWN by activating his emergency lights and sirens. The blue Kia driven by BROWN, initially began to yield to BPA Padilla's emergency equipment and pulled halfway off the road and onto the shoulder. BROWN then failed to yield and attempted to ram BPA Padilla's service vehicle. TFO Daneker was now in front of BROWN and activated his emergency equipment and slowed his vehicle to approximately 5-10 miles per hour in the right-hand lane. Both BROWN and KUYKENDALL accelerated to speeds over one hundred miles per hour and passed multiple vehicles as they attempted to flee from BPA Padilla's marked service vehicle, traveling north on Central Highway where the posted legal speed limit is fifty-five miles per hour.

11. At approximately 11:53 A.M. in the interest of public safety, TFO Daneker and BPA Padilla terminated the pursuit of the vehicles. Simultaneously to the termination of the pursuit by Border Patrol, Cochise County Sheriffs Office (CCSO) began pursuing both vehicles, but ultimately terminated their pursuit as well due to the high speeds and erratic driving of KUYKENDALL and BROWN.

12. TFO Daneker was able to locate both vehicles at approximately mile marker three on Davis Road traveling west bound near the town of Tombstone, AZ. Air assets from the Office of Air and Marine (AMO) responded to follow the vehicles, and CCSO setup spike strips in the area. The Tombstone Marshals, and the Arizona Department of Public Safety (AZ DPS) attempted another traffic stop on the vehicles. Both vehicles then once again fled at a high rate of speed.

13. A CCSO Deputy was able to successfully spike and stop both vehicles as they passed Highway 80 north, leaving the town of Tombstone.

14. KUYKENDALL and SALCIDO were taken into custody by HSI. KUYKENDALL and SALCIDO had two UNC's in the trunk of their vehicle, and one in the backseat. BROWN was taken into custody by HSI and had two UNC's in the trunk of his vehicle and one UNC in the back seat. The red 2022 Kia Forte is registered to Emma Noelle Salcido, who was the front seat passenger in the vehicle.

15. The three UNC's inside KUYKENDALL and SALCIDO's red 2022 Kia Forte were identified as Arturo Franco-Loyola (DOB: 11/16/1988) Country of Citizenship (COC): Mexico, Isaiahas Ruben Perez-Shan (DOB: 01/22/1995) COC: Guatemala, and Luis Angel Zunun-Barrios (DOB: 09/27/1997) COC: Mexico. The three UNC's inside BROWN's blue Kia Forte were identified as Sebastian Vasquez-Perez (DOB: 02/25/1988) COC: Mexico, Agustin Quexe-Tecum (DOB: 05/05/1988) COC: Guatemala, and Alma Delia Rosales-Garcia (DOB: 06/26/1998) COC: Mexico. It was determined that all of the UNC's were not citizens of the United States, and that they did not possess the legal documents to enter, pass through, or remain in the United States legally. All of the UNC's were paying to be smuggled into the United States illegally.

16. During a post-Miranda interview, SALCIDO stated on the previous evening (05/10/2022) in Casa Grande, Arizona, KUYKENDALL and BROWN spoke with unknown individuals to arrange and finalize the plan for coming into the Douglas, AZ area to smuggle Undocumented Non-Citizens (UNC's). SALCIDO stated KUYKENDALL was driving her red Kia Forte (AZ / 838241B) while she was a passenger, and BROWN was driving a blue Kia Forte (AZ / 2FA1NF). SALCIDO said they were given instructions to travel south towards Bisbee, Arizona, to a specific mile marker on the highway. SALCIDO stated that after arriving at a specific location, KUYKENDALL and BROWN stopped their vehicles and shouted and honked their horns to signal the UNC's to get into the vehicle. SALCIDO stated they instructed two of the three UNC's that entered her vehicle to get into

the trunk area, so the vehicle did not appear fully occupied if Border Patrol were to look into the car. SALCIDO stated that their goal after loading the UNC's was to return to the Phoenix, AZ area and drop off the UNC's at a predetermined location. SALCIDO stated there was an agreement between her, KUYKENDALL, and BROWN in which they would split the proceeds of each UNC smuggled between the three of them. SALCIDO stated she and KUYKENDALL knew they were getting pulled over by law enforcement, but fled because they did not want to go to jail. SALCIDO stated that they had smuggled UNC's previously and had been paid approximately \$ 1,000 USD for each UNC.

17. During a post-Miranda interview, KUYKENDALL stated that he was first exposed to human smuggling through other people in his high school in Casa Grande, Arizona. KUYKENDALL said that it is common knowledge with the kids in the school and community that human smuggling, AKA "making runs" is an easy way to make a substantial amount of money. KUYKENDALL stated that he had previously smuggled UNC's and was getting paid between \$1,000.00 and \$1,500.00 per UNC that he would pick up and transport to Phoenix, AZ. KUYKENDALL stated that on May 11, 2022, SALCIDO, BROWN, and himself were guided to the area of Douglas, AZ to pick up a group of people that they knew to be in the United States illegally. KUYKENDALL said that they were given directions and guided on WhatsApp to an area right on the highway. They stopped their vehicles, honked the horn, and shouted to let the group of UNC's know that they were there. KUYKENDALL stated that three UNC's got into the red Kia Forte he was driving, with SALCIDO as his passenger, and three UNC's got into the blue Kia Forte driven by BROWN. Shortly after picking up the UNC's, KUYKENDALL stated he knew law enforcement was trying to pull him over, but that he fled out of panic and fear of being arrested.

CONCLUSION

18. Based on information contained in this affidavit, I believe there is probable cause that the 2022 Kia Forte, VIN 3KPF24AD1NE476494, was used in the commission of a

crime in violation of Title 8, United States Code, Section 1324(a)(1)(A), and is therefore forfeitable pursuant to Title 8, United States Code, Section 1324(b)(1).

Further your affiant sayeth not.

Dylan Wall

Dylan Wall
Special Agent
Homeland Security Investigations

Subscribed and sworn to before me
on this 5th day of October, 2022.

Anjela Vock
Notary Public

